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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,541	05/11/2001	Daniel E. Tedesco	98-030-C1	8499

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EXAMINER

ROSEN, NICHOLAS D

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/853,541

Applicant(s)

TEDESCO ET AL.

Examiner

Nicholas D. Rosen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 79-87 and 89-103 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 103 is/are allowed.
- 6) ☒ Claim(s) 79-87 and 89-102 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 79-87, and 89-103 have been examined.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 79-83

Claims 79, 80, 81, 82, and 83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldenberg (U.S. Patent 6,036,344) in view of Bezy et al. (U.S. Patent 5,703,344) and official notice. As per claim 79, Goldenberg discloses a method, comprising: receiving, via a computer network (column 4, lines 16-24), data that includes an account identifier that indicates a financial account (column 3, lines 20-36),

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and an amount of funds (inherent from Abstract and column 4, lines 50-58, since the processing center could not determine whether there were sufficient funds in the account to be drawn against, without being informed of the amount of funds); making the amount of funds unavailable for use in the financial account (Abstract; column 4, lines 50-58); generating a code that indicates the received data (column 3, line 6, through column 4, line 2; column 5, lines 12-33); transmitting the code (column 4, lines 7-31); receiving the code after the step of transmitting the code (column 4, lines 16-24 and 50-58); and determining from the code an amount of funds reserved for payment with the check (Abstract; column 4, lines 50-58). (This last step is inherent, since it would not be possible to determine whether there were sufficient funds in the account to be drawn against without determining from the code the amount of funds for which the check had been written.) Goldenberg does not disclose that the data includes a check identifier that indicates a check drawn on the financial account, but Bezy teaches this (column 5, lines 20-33). Hence, it would have been obvious to one of ordinary skill in the art of finance at the time of applicant's invention to have the data include a check identifier that indicates a check drawn on the financial account, for the stated advantage of avoiding paying on stolen or forged checks, and for the obvious advantage of being able to match provisional debits against the particular checks which resulted in the provisional debits when the checks are cleared.

Arguably, Goldenberg's method could be viewed as not generating a code that indicates the check in that it is not expressly disclosed as indicating the check serial number, etc., but Bezy does teach indicating the check in that sense (column 5, lines

20-33). Hence, it would have been obvious to one of ordinary skill in the art of finance at the time of applicant's invention to have the code indicate the check, for the stated advantage of avoiding paying on forged or stolen checks, and for the obvious advantage of being able to match provisional debits against the particular checks which resulted in the provisional debits when the checks are cleared.

Goldenberg does not disclose that the code that indicates the received data is generated via a computing device, but official notice is taken that it is well known to use computing devices to generate codes and otherwise manipulate data. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the code generation performed by a computing device, for the obvious advantage of not having to hire human beings to perform a routine numerical manipulation of a sort that computing devices can easily be programmed to carry out.

As per claim 80, Goldenberg does not expressly disclose that receiving the code comprises receiving DTMF signals, but does disclose using the telephone network (column 4, lines 19-24), and official notice is taken that the use of DTMF signals in the telephone network is well known. (See Jones et al., U.S. Patent 5,797,133, Abstract, for an example.) Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have receiving the code comprise receiving DTMF signals, for the obvious advantage of receiving the code by a common, well-known technique, for which appropriate apparatus is readily available.

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As per claim 81, Goldenberg does not expressly disclose that receiving the code comprises receiving the code via a World Wide Web site, but does disclose using the Internet (column 3, lines 13-19; column 4, lines 19-24), and official notice is taken that use of World Wide Web sites is well known. (See Lebda et al., U.S. Patent 6,385,594, Abstract, for an example.) Hence, it would have been obvious to one of ordinary skill in the art of finance at the time of applicant's invention to receive the code via a World Wide Web site, for the obvious advantage of receiving the code through a common, widely available means, which would have been familiar and accessible to many potential users.

As per claim 82, Goldenberg discloses transmitting a message including the amount of funds (Abstract; column 3, line 1, through column 4, line 31; column 4, lines 50-58). Again, it is inherent that the message includes the amount of funds, since without the amount of funds, it would be impossible to determine whether there were sufficient funds in the account to be drawn against.

As per claim 83, Goldenberg does not expressly disclose storing an indication that the predetermined check has been claimed, but Bezy teaches this (column 5, lines 11-33). Hence, it would have been obvious to one of ordinary skill in the art of finance at the time of applicant's invention to store an indication that the predetermined check had been claimed, for the stated advantage of preventing a forger from presenting a forged check with the same serial number.

Claims 84-87 and 89

Claims 84, 85, 86, 87, and 89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldenberg (U.S. Patent 6,036,344) in view of Bezy et al. (U.S. Patent 5,703,344) and official notice. As per claim 84, Goldenberg discloses a method, comprising: receiving, via a computer network (column 4, lines 16-24), data that includes an account identifier that indicates a financial account (column 3, lines 20-36), and an amount of funds (inherent from Abstract and column 4, lines 50-58, since the processing center could not determine whether there were sufficient funds in the account to be drawn against, without being informed of the amount of funds); making the amount of funds unavailable for use in the financial account (Abstract; column 4, lines 50-58); generating a code that indicates the check (column 3, line 6, through column 4, line 2; column 5, lines 12-33); transmitting the code to a first device (column 4, lines 7-31 and 50-58); receiving the code from a second device (column 4, lines 16-24 and 50-58); determining the data based on the code (column 4, lines 50-58); transmitting a message that indicates the amount of funds (Abstract; column 4, lines 16-26 and 50-58); and making the amount of funds available for payment (Abstract; column 5, lines 34-55). Goldenberg does not disclose that the data includes a check identifier that indicates a check drawn on the financial account, but Bezy teaches this (column 5, lines 20-33). Hence, it would have been obvious to one of ordinary skill in the art of finance at the time of applicant's invention to have the data include a check identifier that indicates a check drawn on the financial account, for the stated advantage of avoiding paying on stolen or forged checks, and for the obvious advantage of being able

to match provisional debits against the particular checks which resulted in the provisional debits when the checks are cleared.

Arguably, Goldenberg's method could be viewed as not generating a code that indicates the check in that it is not expressly disclosed as indicating the check serial number, etc., but Bezy does teach indicating the check in that sense (column 5, lines 20-33). Hence, it would have been obvious to one of ordinary skill in the art of finance at the time of applicant's invention to have the code indicate the check, for the stated advantage of avoiding paying on forged or stolen checks, and for the obvious advantage of being able to match provisional debits against the particular checks which resulted in the provisional debits when the checks are cleared.

Goldenberg does not expressly disclose that the code that indicates the check is generated via a computing device, but official notice is taken that it is well known to use computing devices to generate codes and otherwise manipulate data. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the code generation performed by a computing device, for the obvious advantage of not having to hire human beings to perform a routine numerical manipulation of a sort that computing devices can easily be programmed to carry out.

As per claim 85, Goldenberg does not expressly disclose that receiving the code comprises receiving DTMF signals, but does disclose using the telephone network (column 4, lines 19-24), and official notice is taken that the use of DTMF signals in the telephone network is well known. (See Jones et al., U.S. Patent 5,797,133, Abstract,

for an example.) Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have receiving the code comprise receiving DTMF signals, for the obvious advantage of receiving the code by a common, well-known technique, for which appropriate apparatus is readily available.

As per claim 86, Goldenberg does not expressly disclose that receiving the code comprises receiving the code via a World Wide Web site, but does disclose using the Internet (column 3, lines 13-19; column 4, lines 19-24), and official notice is taken that use of World Wide Web sites is well known. (See Lebda et al., U.S. Patent 6,385,594, Abstract, for an example.) Hence, it would have been obvious to one of ordinary skill in the art of finance at the time of applicant's invention to receive the code via a World Wide Web site, for the obvious advantage of receiving the code through a common, widely available means, which would have been familiar and accessible to many potential users.

As per claim 87, Goldenberg discloses encrypting at least some data (column 3, lines 6-19; column 3, line 30, through column 4, line 2).

As per claim 89, Goldenberg discloses transmitting the message by making a telephone call (column 7, line 58, through column 8, lines 2-7), and official notice is taken that making a telephone call generally comprises transmitting an audio message. Hence, it would have been obvious to one of ordinary skill in the art of finance at the time of applicant's invention to transmit an audio message, for the stated advantage of conveying a message where other means for doing so, such as computer-to-computer transmission involving a processing center, were not available.

Claim 90

Claim 90 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldenberg (U.S. Patent 6,036,344) in view of official notice. Goldenberg discloses a method comprising: receiving, via a computer network (column 4, lines 16-24), data that includes: an identifier of an account (Abstract; column 3, lines 31-47), an identifier of a check drawn on the checking account (implied by column 5, lines 30-33, official notice being taken that the information currently used to route checks through the banking system normally includes a check identifier), and an amount of funds associated with the check (inherent from Abstract and column 4, lines 50-58, since it would not be possible to determine whether there were sufficient funds in the account to be drawn against, and to provisionally debit the account, unless the check data included the amount of funds for which the check had been written). Goldenberg further discloses making the amount of funds in the account unavailable for use by the payor (Abstract; column 4, lines 50-58); generating a code associated with the check, wherein the code is generated based on at least one of the identifier of the account, the identifier of the check, and the amount of funds (Abstract; column 3, lines 30-60); transmitting the code (column 4, lines 16-24); receiving the code (column 4, lines 50-58); determining the amount of funds based on the code (column 4, lines 50-65); and transmitting a message that indicates the amount of funds (column 4, line 50, through column 5, line 2). It would have been obvious to one of ordinary skill in the art of finance at the time of applicant's invention for the data to include an identifier of a checking account, for the obvious advantage of applying Goldenberg's invention to standard checks, whose routing information includes check identifiers.

Goldenberg does not disclose that the code associated with the check is generated via a computing device, but official notice is taken that it is well known to use computing devices to generate codes and otherwise manipulate data. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the code generation performed by a computing device, for the obvious advantage of not having to hire human beings to perform a routine numerical manipulation of a sort that computing devices can easily be programmed to carry out.

Claims 91-102

Claims 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101 and 102 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldenberg (U.S. Patent 6,036,344) in view of Britt ("Making a Dishonest Buck") and official notice. As per claim 91, Goldenberg discloses a method comprising: receiving, via a computer network (column 4, lines 16-24), data that includes: an identifier of an account upon which a check is drawn (Abstract; column 3, lines 31-47), an identifier of a check drawn on the checking account (implied by column 5, lines 30-33, official notice being taken that the information currently used to route checks through the banking system normally includes a check identifier), and an amount of funds associated with the check (inherent from Abstract and column 4, lines 50-58, since it would not be possible to determine whether there were sufficient funds in the account to be drawn against, and to provisionally debit the account, unless the check data included the amount of funds for which the check had been written). Goldenberg further discloses making the amount of

funds in the account unavailable for use by the payor (Abstract; column 4, lines 50-58); generating a code associated with the check, wherein the code is generated based on at least one of the identifier of the account, the identifier of the check, and the amount of funds (Abstract; column 3, lines 30-60); transmitting the code (column 4, lines 16-24); receiving the code (column 4, lines 50-58); determining, based on the code, the amount of funds (column 4, lines 50-65); and transmitting a message that indicates the amount of funds (column 4, line 50, through column 5, line 2). It would have been obvious to one of ordinary skill in the art of finance at the time of applicant's invention for the data to include an identifier of a checking account, for the obvious advantage of applying Goldenberg's invention to standard checks, whose routing information includes check identifiers.

Goldenberg does not disclose receiving the data from the payor of the check, but Britt teaches receiving data from a payor of a check (paragraph beginning, "Another quick fraud prevention technique that Benson recommends"). Hence, it would have been obvious to one of ordinary skill in the art of finance at the time of applicant's invention to receive data from the payor of the check, for the stated advantage of avoiding being defrauded by counterfeit checks.

Goldenberg does not disclose that the code associated with the check is generated via a computing device, but official notice is taken that it is well known to use computing devices to generate codes and otherwise manipulate data. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the code generation performed by a computing device,

for the obvious advantage of not having to hire human beings to perform a routine numerical manipulation of a sort that computing devices can easily be programmed to carry out.

As per claim 92, Goldenberg discloses receiving signals representative of the data via a network; as per claim 93, the network can be the phone network; and as per claim 94 receiving data via a network can be receiving data via the Internet (column 4, lines 19-24).

As per claim 95, Goldenberg discloses that receiving data includes receiving a personal identification number, or PIN (column 4, lines 3-6; column 7, lines 4-10).

As per claim 96, Goldenberg does not disclose receiving an authorization to charge the payor a fee for making the amount of funds in the account unavailable for use by the payor, but official notice is taken that it is well known financial institutions to charge fees for providing services, and to obtain authorization to do so. Hence, it would have been obvious to one of ordinary skill in the art of finance at the time of applicant's invention to receive an authorization to charge the payor a fee for making the amount of funds in the account unavailable for use by the payor, for the obvious advantage of profiting from charging such a fee.

As per claim 97, Goldenberg discloses transmitting data representative of the amount of funds made unavailable in response to receiving the code (column 4, line 50, through column line 4).

As per claim 98, Goldenberg discloses providing the amount of funds made unavailable in response to receiving the code (column 4, line 50, through column line 11).

As per claim 99, Goldenberg discloses encrypting at least some data, which may include data representing at least one of the identifier of the account, the identifier of the check, and the amount of funds (column 3, lines 6-19; column 3, line 30, through column 4, line 2).

As per claim 100, Goldenberg does not disclose that generating the code, as such, includes storing in a database at least one of the account, the identifier of the check, and the amount of funds, but does teach storing in a database at least one of the account, the identifier of the check, and the amount of funds (column 4, lines 16-31; column 5, lines 34-55; column 5, line 62, through column 6, line 3). Hence, it would have been obvious to one of ordinary skill in the art of finance at the time of applicant's invention for generating the code to include storing in a database at least one of the account, the identifier of the check, and the amount of funds, for the obvious advantage of maintaining records, enabling the action to be confirmed if any question or dispute should arise.

As per claim 101, Goldenberg discloses providing the amount of funds made unavailable (column 4, line 50, through column 6, line 11), but does not expressly disclose doing so if a code received can be decrypted into data representing at least one of the identifier of the account, the identifier of the check, and the amount of funds.

However, Goldenberg does disclose the use of encryption in communication (column 3, lines 13-19), which implies decrypting a code into the information originally encrypted.

As per claim 102, Goldenberg discloses providing the amount of funds made unavailable (column 4, line 50, through column 6, line 11), but does not expressly disclose providing the amount of funds made unavailable if a code received can be used to retrieve data representing at least one of the identifier of the account, the identifier of the check, and the amount of funds from a database, but official notice is taken that it is well known to provide valuables if a code (e.g., a password) can be used to retrieve confirming data from a database. Hence, it would have been obvious to one of ordinary skill in the art of finance at the time of applicant's invention to provide the amount of funds made unavailable if a code received can be used to retrieve data representing at least one of the identifier of the account, the identifier of the check, and the amount of funds from a database, for the obvious advantage of honoring checks shown to be legitimate.

Allowable Subject Matter

Claim 103 is allowed.

The following is an examiner's statement of reasons for allowance: The closest prior art of record, Goldenberg (U.S. Patent 6,036,344), discloses receiving a request concerning a check, the request including an identifier of the account upon which the check is drawn, an identifier of the check (at least this is implied), and the amount of funds associated with the check; making the amount of funds in the account unavailable

for use by the payor; generating a code associated with the check; transmitting the code; receiving the code; determining, based on the code, the amount of funds; and transmitting a message that indicates the amount of funds. However, Goldenberg does not disclose receiving the request from a payor of the check to register an amount of funds associated with the check as certified, or receiving the code from a payor of the check, nor does any other prior art of record disclose this. It is known for check payors to transmit information to their banks concerning checks, as is taught, for example, by Britt ("Making a Dishonest Buck," paragraph beginning "Another quick fraud prevention technique that Benson recommends"), but this is not sufficient to make the detailed procedure of the claim obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

Applicants' arguments filed October 12, 2004, have been fully considered but they are not persuasive. Applicants argue that all independent claims recite both transmitting a code and receiving this code. "In other words, the same entity (the entity performing the method of a claim) would perform both the transmitting and the receiving steps." Examiner replies, without committing himself to a decision on whether this potential limitation could make the claims patentable, that it is not an actual limitation. It

is proper, in examining a patent application, to give claim language the broadest reasonable interpretation, and the independent claims, as written, could quite reasonably be read as reading on methods wherein a code is transmitted and received by different entities.

In response to Applicants' argument that the record contains no indication of the purported motivation for receiving DTMF signals as suggested by the Examiner (claim 85), Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Examiner referred to "the obvious advantage of receiving the code by a common, well-known technique, for which appropriate apparatus is readily available." Motivation is found in the knowledge generally available to one of ordinary skill in the art, in that Goldenberg discloses use of the telephone network (column 4, lines 19-24), and unchallenged official notice has been taken that the use of DTMF signals in the telephone network is well known. Thus, use of DTMF signals in implementing Goldenberg's invention would be very likely to occur, even though Goldenberg does not expressly disclose it, and even if (conceivably) Goldenberg himself had never heard of DTMF signals. Goldenberg's patent nowhere expressly discloses the use of electricity, but a claim otherwise anticipated by Goldenberg, or obvious over Goldenberg in view of other prior art, cannot become

patentable by reciting the use of electricity, since the use of electricity would naturally occur in the course of operating the computers, telephone network, etc., described by Goldenberg.

Applicants also argue a lack of motivation for claims 100 and 102; Examiner finds these arguments unpersuasive for reasons similar to those set forth above in regard to claim 85. As per claim 100, maintaining records is well known and widely practiced, not an obscure feature for which strong and specific motivation must be found in the prior art to justify the combination with Goldenberg. Examiner gave a motivation, "for the obvious advantage of maintaining records, enabling the action to be confirmed if any question or dispute should arise." Maintaining financial records for such purposes is surely well known in the business world, and would therefore have been obvious based on the knowledge generally available to one of ordinary skill in the art.

As per claim 102, Examiner supplied the motivation, "for the obvious advantage of honoring checks shown to be legitimate." In the absence of any evidence that Goldenberg was a crook, patenting a technique of committing fraud for license to other crooks, the reasonable presumption is that Goldenberg contemplated honoring checks shown to be legitimate, which in his system would include providing the amount of funds made unavailable upon the presentation of appropriate evidence. Surely any honest businessperson, in implementing Goldenberg's invention, would do so.

The common knowledge or well-known in the art statements in the previous office action are taken to be admitted prior art, because Applicant did not traverse Examiner's taking of official notice.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Saffarian (U.S. Patent 6,796,488) discloses an automated system and method for check amount encoding at a point-of-sale.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen, whose telephone number is 703-305-0753. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins, can be reached on 703-308-1344. The fax phone number

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for the organization where this application or proceeding is assigned is 703-872-9306.

Non-official/draft communications can be faxed to the examiner at 703-746-5574.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nicholas D. Rosen
NICHOLAS D. ROSEN
PRIMARY EXAMINER

December 14, 2004